

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,

Plaintiff,

vs.

Case No. 1:19-cr-00048

Robert Andrew Wolter,

Defendant.

ORDER GRANTING MOTION TO CONTINUE TRIAL

[¶1] THIS MATTER comes before the Court on Motions to Continue Trial filed by the Defendant on November 6, 2020. Doc. No. 36. Trial is scheduled in this matter for December 1, 2020. This is the Defendant's **second** request for a continuance of trial.

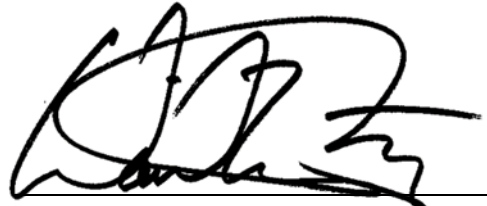
[¶2] As grounds for the continuance requests, Defense Counsel asserts he needs additional time to locate witnesses, complete the investigation, and prepare for trial. In addition, Defense Counsel is in the process of obtaining a psychological evaluation of the Defendant. Defense Counsel requests at least a sixty (60) day continuance. Defense Counsel notes the United States does not object to the motion. Defendant has signed an Informed Consent to Continuance. Doc. No. 35.

[¶3] Upon consideration, the Court finds there is good cause to continue the trial, and "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial" pursuant to 18 U.S.C. § 3161(h)(7)(A). See United States v. Lucas, 499 F.3d 769, 782-83 (8th Cir. 2007); United States v. Hohn, 8 F.3d 1301, 1305 (8th Cir. 1993); United States v. Driver, 945 F.2d 1410, 1414 (8th Cir. 1991). Accordingly, the Court **GRANTS** the Defendant's Motion to Continue Trial.

[¶4] Trial in this matter shall be rescheduled for Tuesday, February 23, 2021, at 9:30 a.m. in Bismarck Courtroom 1 before the undersigned. A three (3) day trial is anticipated. All time that elapses from the date of this Order until trial shall be excluded from any Speedy Trial Act calculation. See 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B).

[¶5] **IT IS SO ORDERED.**

DATED November 9, 2020.

A handwritten signature in black ink, appearing to read 'D. Traynor', is written over a horizontal line.

Daniel M. Traynor, District Judge
United States District Court